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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,101	12/31/2001	Xiaolin Lu	TI-33448	5862
23494	7590	03/21/2007	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/21/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/037,101	LU ET AL.	
	<b>Examiner</b> Robert W. Wilson	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,5-8,10-13,16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,2,5-8,10-13,16 and 18-23 is/are allowed.
- 6) Claim(s) 24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Allowable Subject Matter***

1. Claims 1-2, 5-8, 10-13, 16, 18-23 are allowed. The following is an Examiner's statement of reasons for allowance:

Claims 1-2, 5-8, 10-13, 16, 18-23 are considered allowable since when reading the claims in light of the specification, none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims including:

"the sender further comprising a store for storing expected receive time which is based on the delay; an acknowledgement relationship establisher that establishes a relationship between the time reference and the expected receive time for an outgoing packet; an acknowledgement resolver that determines whether an acknowledgement received corresponds to the outgoing packet utilizing the expected receive time for an outgoing packet ; a retry determiner that determine whether the outgoing packet should be retransmitted based at least on part, on the determination made by the acknowledgement resolver" as claimed in claim 1.

A retry determining component that determine whether the packet should be retransmitted based at least in part on the determination made by the acknowledgment resolving component." As claimed in claim 8.

"A memory location for storing an expectation time value representing the time an acknowledgement is expected to be received by the sender based on the delay", as specified in claim 13.

"selectively retransmitting the packet based , at least in part, on the determination of whether an acknowledgment to the packet is received" as claimed in claim 16.

"Establishing synchronization between a time of the sender and a timer of the receiver prior to transmitting the packet  
" as claimed in claim 19.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 102***

3. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Lundh (U.S. Patent No.: 6,577,872).

Referring to claim 24, Lundh teaches: a system (MTU & STU per Fig 1) for controlling packet flow comprising:

Means for synchronizing time between a sender and receiver (SFN adjust is calculated in the MTU provides the mean for synchronizing the time between the oscillator in the MTU (sender) and the oscillator in the STU (receiver) per Fig 10 and per col. 14 lines 1-10)

Means for transmitting a packet between a sender and a receiver (62, 67 subscript 1 77 subscript 1 and 72 subscript 1 per Fig 1 sends a message between the MTU (sender) and STU (receiver))

Means for recording a time at which the packet is expected to be received (MTU calculates and inherently stores t2 predicted (expected time to receive) per col. 14 lines 1-7)

Means for receiving a time-stamped acknowledgment to the transmitted packet (The MTU has a port per Fig 1 which is the mean for receiving a message (acknowledgement) with a value of t2 which is the time stamp for the received message per Fig 10)

Means for determining whether an acknowledgement corresponds to a transmitted packet utilizing a time stamp in the time-stamped acknowledgment and the time at which the packet is expected to be received.( The MTU extracts the value of t2 which is the acknowledgment corresponding to the transmitted message (packet) where t2 is the time expected to be received per Fig 10 and per col. 14 lines 1-10)

***Response to Amendment***

4. Applicant's arguments filed 12/28/06 have been fully considered but they are not persuasive.

Claim 24 was previously rejected and the applicant did not provide an argument for the allowability of this claim. The examiner had not previously objected to this claim either; thus, the examiner believes it reasonable and just to finalize this action.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2616

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. VU can be reached on 571/272-73155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/037,101  
Art Unit: 2616

Page 5

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Examiner  
Art Unit 2616

3/13/07  
RWW

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TECHNOLOGY CENTER 2600